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Letter dated 10 February 2009 from the Permanent Representative of Cuba to the United Nations addressed to the President of the Security Council

I have the honour to write to you, in my capacity as Chairman of the Coordinating Bureau of the Non-Aligned Movement, with regard to the application submitted by the Prosecutor of the International Criminal Court against the President of the Sudan.

In view of the fact that the Court will soon rule on this request, and considering its relevance, I have the pleasure to attach herewith a copy of the position agreed on this issue by the Fifteenth Ministerial Conference of the Non-Aligned Movement, held in Tehran, Islamic Republic of Iran, from 27 to 30 July 2008 (see annex I).

Furthermore, in accordance with the requests made by the representatives of the African Union, the League of Arab States and the Organization of the Islamic Conference, I also attach the statements on the same matter issued by the aforementioned organizations, the members of which are also States members of the Non-Aligned Movement (see annexes II-IV).

I should be grateful if this letter and its annexes could be circulated as a document of the Security Council.

(*Signed*) Abelardo **Moreno Fernández**
Ambassador
Permanent Representative of Cuba
Chairman of the Coordinating Bureau of the Non-Aligned Movement

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Annexes to the letter dated 10 February 2009 from the Permanent Representative of Cuba to the United Nations addressed to the President of the Security Council

Annex I

[Original: Spanish and English]

Relevant paragraphs of the final document of the Fifteenth Ministerial Conference of the Non-Aligned Movement

Tehran, 30 July 2008

204. The Ministers *reiterated* their commitment to the sovereignty, unity, independence and territorial integrity of the Sudan.

205. The Ministers *noted* with satisfaction the sustained efforts being made by the Government of the Sudan, the African Union, the League of Arab States and the United Nations to reactivate the political process leading to a lasting peace in Darfur. They *expressed* their conviction that no action should be taken that could jeopardize the delicate nature of the process under way in the Sudan. In that context, the Ministers *expressed* deep concern over the recent application by the Prosecutor of the International Criminal Court (ICC), against the Honourable President of the Sudan, and considered that this action could seriously undermine the ongoing efforts aimed at facilitating the early resolution of the conflict in Darfur and the promotion of long-lasting peace and reconciliation in the Sudan and could be conducive to greater destabilization with far-reaching consequences for the country and the region. Therefore, they decided to support steps in the United Nations and elsewhere aimed at defusing this new and dangerous situation and preventing its recurrence.

Annex II

[Original: English]

Decision on the application by the International Criminal Court Prosecutor for the indictment of the President of the Republic of the Sudan

The Assembly:

1. *Expresses its deep concern* at the indictment made by the Prosecutor of the International Criminal Court (ICC) against the President of the Republic of the Sudan, H.E. Mr. Omar Hassan Ahmed El Bashir;

2. *Cautions* that, in view of the delicate nature of the peace processes under way in the Sudan, approval of this application would seriously undermine the ongoing efforts aimed at facilitating the early resolution of the conflict in Darfur;

3. *Endorses* the Communiqué issued by the Peace and Security Council (PSC) of the African Union (AU) at its 142nd meeting, held on 21 July 2008, and *urges* the United Nations Security Council, in accordance with the provisions of article 16 of the Rome Statute of the ICC, and as requested by the PSC at its above-mentioned meeting, to defer the process initiated by the ICC;

4. *Requests* the Commission to implement this Decision by sending a high-level delegation from the African Union for necessary contacts with the United Nations Security Council;

5. *Further requests* the Commission to convene, as early as possible, a meeting of the African countries that are parties to the Rome Statute on the establishment of the International Criminal Court to exchange views on the actions of the ICC in Africa, in particular in the light of the processes initiated against African personalities, and to submit recommendations thereon taking into account all relevant elements;

6. *Reiterates* AU's unflinching commitment to combating impunity and promoting democracy, the rule of law and good governance throughout the entire Continent, in conformity with its Constitutive Act;

7. *Condemns* the gross violations of human rights in Darfur, and *urges* that the perpetrators be apprehended and brought to justice, and *supports* the decision by the PSC to establish a High-Level Panel of Eminent Personalities under the chairmanship of former President of the Republic of South Africa, H.E. Mr. Thabo Mbeki, to examine the situation in depth, and to submit recommendations on how best the issues of accountability and combating impunity, on the one hand, and reconciliation and healing, on the other, could be effectively and comprehensively addressed;

8. *Notes* the steps taken by the Republic of the Sudan to address human rights violations in Darfur, and *reiterates* the call by various AU organs for the Government of the Sudan to take immediate and concrete steps to investigate and bring the perpetrators to justice, and to take advantage of the availability of qualified lawyers to be seconded by the AU and the League of Arab States, and in this regard *calls upon* all parties to scrupulously respect the values and principles of human rights.

Annex III

[Original: English]

Statement issued by the Afro-Arab Ministerial Committee on Darfur

Doha, 14 January 2009

Upon the kind initiation of the State of Qatar, the Afro-Arab Ministerial Committee on the settlement of the Darfur crisis convened a meeting in Doha on 14 January 2009, chaired by H.E. Sheikh Hamad Bin Jassim Al-Thani, the Prime Minister and Minister for Foreign Affairs of the State of Qatar, and with the participation of H.E. Mr. Jean Ping, Head of the African Commission, and H.E. Mr. Ahmad Benhelli, Vice Secretary-General of the League of Arab States.

The meeting was also attended by their Excellencies the Foreign Ministers and Representatives of the People's Democratic Republic of Algeria, the Kingdom of Saudi Arabia, the Syrian Arab Republic, the Great Socialist People's Republic of Libya, the Arab Republic of Egypt, the Kingdom of Morocco, Eritrea, Burkina Faso, Chad, Tanzania, South Africa, Senegal, Congo Brazzaville and Nigeria, and by H.E. Ahmad Ben Abdallah Al Mahmoud, the Qatari State Minister for Foreign Affairs, H.E. Mr. Ramtane Lamamra, the African Union Peace and Security Commissioner, and H.E. Mr. Djibril Bassolé, the Joint AU/UN Mediator.

The participants discussed the report presented by the State of Qatar on the efforts and contacts of the Steering Team of the Afro-Arab Ministerial Committee and listened attentively to the interventions presented by the Head of the African Union Commission and the Deputy Secretary-General of the Arab League and the Joint AU/UN Mediator on the multiple efforts and procedures deployed since the Committee's first meeting in New York on 24 September 2008 with a view to accelerating the settlement of the Darfur crisis. The participants highly appreciated the efforts and actions of the Steering Team and praised especially the effective cooperation and coordination between the African Union and the Arab League to end the Darfur crisis.

Having reviewed the outcomes of the efforts and different positions regarding the settlement of the Darfur crisis as well as the current and emerging developments, the Committee stressed the following:

1. Expressing thanks and appreciation to the State of Qatar for its active role and the efforts deployed to make peace talks for Darfur successful.

2. Calling upon all the Sudanese parties to respond to the efforts deployed to hold peace talks as soon as possible and to shoulder their responsibility to enhance civil peace prospects in the Sudan as a whole and opening the way for reconstruction efforts.

3. Supporting the persistent efforts of Qatar and the Joint AU/UN Mediator to launch peace talks as soon as possible in the Qatari capital, Doha, and urging all parties to respond to these efforts.

4. Welcoming the Sudanese People's Initiative and the positive attitudes deployed by some armed movements and factions in Darfur in response to the exerted peace efforts.

5. Urging further coordination of regional and international efforts to encourage movements still hesitant to join peace efforts to respond positively to them with a view to upholding the interest of the country, its stability as well as creating a suitable atmosphere to alleviate the human crisis of the people of Darfur and putting an end to its different consequences.

6. Appreciating the positive and active role of the representatives and the components of the civil society in Darfur aiming at facilitating the holding of the peace talks and turning the page of violence and battling and helping to mend the social texture in Darfur, and emphasizing the great importance to push the Darfur-Darfur Dialogue.

7. Following up the efforts exerted by the Sudanese Government to settle the Darfur crisis and encouraging it to proceed in these efforts in accordance with its pledges and understandings with the Arab League, the African Union and the United Nations.

8. Emphasizing the conformity between efforts to achieve peace and achieve justice and the necessity of assigning absolute importance to achieving peace among the Sudanese parties concerned with the Darfur crisis.

9. Calling on the Security Council anew to enforce article 16 of the Rome Statute in order to postpone the procedures pertaining to all the cases referred to the International Criminal Court with a view to allowing more enhancement of the prospects of peace and justice and creating best conditions to launch peace talks and achieve a comprehensive settlement of the Darfur crisis as soon as possible.

10. Mandating a delegation from Qatar, the African Union and the Arab League to visit New York, to coordinate with the Arab and African members of the United Nations Security Council, with a view to mobilizing international and regional necessary support to uphold the objectives of the aforementioned committee and enhance peace prospects.

11. Welcoming the esteemed and experienced great leader of the Great Socialist People's Republic of Libya, Muammar Al-Qadhafi, and the Federal Republic of Nigeria, for holding peace talks between the Government of the Sudan and the armed movements in Darfur to resolve the Darfur crisis, and take advantage of these experiences in the next Doha talks.

12. Expressing its profound gratitude and deep thanks to His Highness Sheikh Hamad Ben Khalifa Al Thani, Emir of the State of Qatar, for his faithful efforts to achieve peace in Darfur, and his generous sponsoring to host the Afro-Arab Ministerial Committee in Doha.

Annex IV

[Original: English]

Press release

OIC Secretary General hails AU resolution on Sudan

The OIC Secretary General Prof. Ekmeleddin Ihsanoglu, has expressed OIC's support to the decision by the AU at its latest Summit in Addis Ababa to mobilize international support to postpone the ICC prosecution against the President of the Sudan.

The Secretary General noted that the AU decision is in line with the OIC position adopted by the Extraordinary Executive Ministerial Committee held in August 2008 in Jeddah which maintained that the ICC's move represents a dangerous precedent and an unnecessary diversion capable of complicating the situation in Darfur and warned against the grave ramifications that might arise of the ICC action.

Prof. Ihsanoglu on the other hand, called on both the Sudan Government and the rebel movements to end all hostilities and return to the negotiating table as the only viable way to achieve durable peace in Darfur region of the Sudan. He further urged the Justice and Equality Movement to withdraw from Muhajeria without any preconditions in order to avoid any escalation in the area.